

REMARKS

The Applicants wish to confirm their desire to prosecute the invention of Species 1, claims 1-7 of the present application. It is understood that claims 8-19, although withdrawn from further consideration by the Examiner as being drawn to a non-elected invention, can be prosecuted in a separate application at a later date if desired.

Claims 1-3, and 5-6 have been rejected by the Examiner under 35 USC 102(b) as being anticipated by Kawano, U.S. Patent 5,382,246. Also, claim 4 is rejected by the Examiner under 35 USC 103(a) as being unpatentable over Kawano. Finally, claim 7 has been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Kawano in view of Mogor, U.S. Patent 3,575,174. These rejections are respectfully traversed.

The present invention is directed to a disposable diaper which has a particular construction so as to provide the disposable diaper with a leak-preventing property, particularly around the leg areas. According to the present invention, the disposable diaper includes a fluid permeable top sheet, a fluid impermeable back sheet and an absorbent core 4 disposed between the top sheet 2 and the back sheet 3. Second, lateral absorbent core members 6 are provided on both sides of the main absorbent core member 4 and each of the second (lateral) absorbent core members are provided with elastic members 8, disposed below the

lateral absorbent cores which enable the lateral absorbent cores 6 to fit nicely around the leg areas of the wearer. Thus, if urine, etc., should leak out of the side of the central absorbing core 4, it would surely be absorbed by the lateral absorbent cores 6 without allowing any refuse to reach the side edge portion of the diaper 1. Also, according to the present invention, elastic members are not provided between the central absorbent core and the lateral absorbent cores. Additionally, second elastic members 81 are disposed at the outside areas of the lateral absorbent cores whereby urine absorbed by the lateral absorbent cores can be prevented from leaking from the side edges of the disposable diaper.

The Kawano patent is directed to a disposable diaper which includes a first absorbent core 2 and lateral absorbent cores 4 disposed on either side of the main fluid absorbing core 2. In referring to Figs. 8 and 9 of the Kawano patent, it can be seen that the elastic members 3 are disposed between the primary and secondary (lateral) absorbent members and thus the elastic members 3 do not form part of the lateral absorbent members or more specifically, are not disposed below the lateral absorbent members 4 as is the case in the present invention. Thus, in the disposable diaper of the present invention, elastic members are not provided between the central absorbent core and the lateral absorbent cores.

The Kawano patent discloses substantially the same disposable diaper as disclosed in Japanese Patent Publication No. 05-33630, discussed on page 1 of the present application and thus the advantages of the present invention over the Japanese patent publication are applicable to the advantages of the present invention when considering the Kawano patent. Thus, since the Kawano patent does not provide elastic members disposed below the lateral absorbent cores, the lateral absorbent cores are liable to be turned over at an area in the vicinity of the boundary area between a stomach side region and/or the back side region, where the central absorbent section and the outside absorbent sections are placed on a same plane and brought into contact with the wearer, and the crotch region where the outside absorbent sections and the central absorbent section are substantially bent causing leakage to occur through a gap formed between the outside (lateral) absorbent sections and the wearer's skin. In addition, it is difficult for the lateral absorbent sections of such a disposable diaper to effectively fit the inner side of the wearer's upper thigh, as discussed on page 2, lines 7-15 of the present application. In contrast thereto, because the elastic members are disposed below the lateral absorbent cores, the lateral absorbent cores do not turn over and a gap between the lateral absorbent cores and the wearer's skin does not occur. As shown in Fig. 9 of the Kawano

patent, the expandable strips 3 tighten to the base of the thighs and the thigh-fitting gathers 16 tighten to the lower parts of the thighs adjoining the bases of the thighs so that the disposable diaper can provide an improved fit and have an improved urine leak-prevention capability. However, the Kawano patent does not recognize the desirability of bringing the lateral absorbers 4 into close contact with the wearer's skin.

Since the elastic members 3 are disposed between the primary and secondary absorbent members in the Kawano patent, the diaper has the problem that wrinkles tend to form in the central absorbent section due to the contraction of the expansible portion disposed between the central absorbent section and the outside absorbent section and therefore urine and excrement can readily leak from the central absorbent section along these wrinkles. Furthermore, since the design of the Kawano diaper is intended to prevent leakage by enhancing the fit at the central absorbent section, wrinkles which are produced in the central absorbent section facilitate the leakage from the central absorbent section as well as beyond the outside absorbent sections. On the other hand, because the disposable diaper of the present invention is provided with elastic members disposed below the lateral absorbent cores and because elastic members are not arranged between the central absorbent core and the lateral absorbent cores, the disposable diaper of the

present invention is capable of fitting the lateral absorbent cores to the wearer without creating any disadvantages. It is disclosed on page 15, lines 20-25 of the present application that an elastic member may be disposed at the shrinking force damping region inasmuch as the shrinkage of the elastic member is smaller than the shrinkage of the leg absorbent portion D. However, from the viewpoint of preventing the twisting occurable to the central absorbent portion G, it is preferred that no elastic member is disposed at the shrinking force damping region. This description in the specification clearly shows the technical significance of not providing gathers formed by elastic members provided in the central absorbing region in view of the desirability of preventing twisting of this region. Accordingly, because of the differences between the present invention and the Kawano patent discussed hereinabove, it is easy for a wearer to put on the disposable diaper of the present invention because the diaper readily conforms to the curved configuration of the wearer's body whereas because the Kawano patent utilizes elastic member 3 disposed between the primary and secondary absorbent members, the diaper does not readily conform to the curved configuration of the wearer's body.

With respect to the Examiner's rejection of claim 4, it should be noted that Table 1 of the present application demonstrates the importance of the ratios recited in the claim

in relationship to the comparative examples. For example, in connection with the ratio  $L6/L4$ , the description from line 30 of page 19 to line 2 of page 20 states that if the ratio ( $L6/L4$ ) is smaller than 0.1, the diaper becomes unable to conform to the shape of the trunks of individuals. In addition, if the ratio ( $L6/L4$ ) is larger than 0.25, the disposable diaper becomes difficult to put on because the leg flap portion is caught by the wearer's upper thigh portion at the time of putting on the diaper. In connection with the ratio  $L7/L8$ , lines 16-18 on page 20 of the present application state that if the ratio is larger than 0.2, the disposable diaper becomes difficult to put on because the leg flap portion is caught by the wearer's upper thigh portion at the time of putting on the diaper. Thus, the establishment of the particular ratios as set forth in claim 4 of the present application makes it possible to achieve excellent wearability of the disposable diaper of the present invention. Thus, the Applicant has not merely optimized existing ranges but rather has established and defined specific relationships for achieving specific advantageous results. In any event, since claim 4 is dependent from claim 1, and since claim 1 is considered patentability distinguishable over the Kawano patent, for the same reasons, it is also believed that claim 4 is patentably distinct from the Kawano patent.

The Examiner has relied upon the Mogor reference, U.S. Patent 3,575,174 in combination with the Kawano patent in an attempt to reject claim 7 of the present application. However, to combine the references as suggested by the Examiner, the elastic member 3 (Fig. 8) of the Kawano patent must be replaced with embossed lines 22 of the Mogor patent to reject claim 7 of the present application. In analyzing the rejection made by the Examiner, the first question to ask is why would one skilled in the art want to replace the elastic member 3 of Kawano with the embossed lines 22 of the Mogor patent. There must be some suggestion as to why such a substitution of elements would even be contemplated. In making this rejection clearly the Examiner is reconstructing the teachings of the Kawano patent in view of the Applicants' own disclosure. In any event, because claim 7 is dependent upon claim 1, for the same reasons as set forth hereinabove, it is also believed that claim 7 is distinguishable over the references relied upon by the Examiner, either alone or in combination.

Accordingly, in view of the above amendments and remarks reconsideration of the rejections and allowance of claims 1-7 in the present application are respectfully requested.

Conclusion

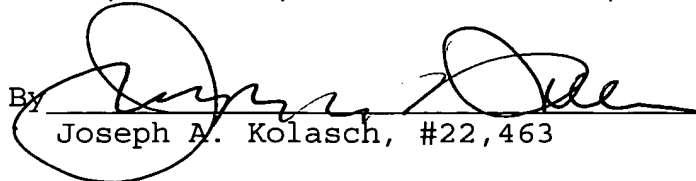
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch (Reg. No. 22,463) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a two-month extension of time for filing a reply in connection with the present application, and the required fee of \$420 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s): Abstract of the Disclosure